ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-18 remain in this application. Claims 4 & 13 have been amended for grammatical reasons.

Claims 1-4 and 10-13 were rejected under 35 U.S.C. §102 as being anticipated by Tiedemann *et al.* (U.S. WO 96/31,014). For the following reasons, the rejection is respectfully traversed.

Claim 1 recites a wireless communication apparatus having a "control period changing unit which changes a control period of the transmission power control bit". Claim 10 recites a method with a step of "changing a control period of said transmission power control bit". Tiedemann does not suggest any such unit or step.

The Examiner cites page 5, lines 6-25, as teaching the cited element of claims 1 and 10. However, a close reading of the reference does not support a teaching of the cited element.

The cited passage of Tiedemann discusses a velocity of a mobile station with respect to a base station. There is no discussion of changing a control *period* of the transmission power control bit. Instead, Tiedemann is merely discussing a device such that a base station can sense a relative motion of a mobile station by monitoring a shift in the received signal (such as a Doppler shift) (see lines 18-22). But such a teaching does not suggest the cited element of claim 1.

Accordingly, claims 1 and 10 are patentable over Tiedemann. Claims 2-4, which depend, directly or indirectly, on claim 1, and claims 11-13, which depend, directly or indirectly, on claim 11, are all patentable for the same reasons as their parent claim (as well as for the limitations contained therein.

Claims 5, 6, 9, 14, 15 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kasamatsu (U.S. 5,852,770) in view of Cygan *et al.* (U.S. 5,564,086). For the following reasons, the rejection is respectfully traversed.

Claim 5, as amended, recites a "matching unit which performs a matching

operation of a characteristic of said second power amplifier for input to said second power amplifier". Claim 14, as amended, recites a step of "matching a characteristic of the second power amplifier by way of a matching circuit for input to said second power amplifier". The cited references do not teach this element of the claim, even if combined.

The Examiner admits that Kasamatsu does not teach the cited element. Instead, the Examiner cites Cygan as teaching the cited elements, and thus combines Cygan with Kasamatsu. However, Cygan's variable matching network inputs into a directional coupler, not a "second power amplifier" as recited in the claim. The prior art reference(s) must teach or suggest *all* of the claim elements and/or claim limitations (MPEP §2143.03). Thus, because the combination of references does not suggest a matching circuit for input to said second power amplifier, as recited in the cited claims, those claims are patentable over the references.

Further, the Examiner has not provided the proper motivation for making the combination. The burden is on the Examiner to make a prima facie case of obviousness (MPEP §2142). To support a prima facie case of obviousness, the Examiner must show that there is some *suggestion* or *motivation* to modify the reference(s) (MPEP §2143.01). The mere fact that references *can* be combined or modified, alone, is not sufficient to establish prima facie obviousness (*Id.*). The prior art references must also suggest the *desirability* of the combination (*Id.*).

The Examiner has not cited any portion of either reference to support any such suggestion or motivation for the combination. A conclusory statement of benefit or advantage, such as the one provided by the Examiner in the Office action, is not sufficient to show obviousness. Instead, some rationale for combining the references must be found in the references themselves, or drawn from a convincing line of reasoning based on established scientific principles practiced by one skilled in the art that some advantage or beneficial result would be produced by the combination (MPEP §2144). Such motivation cannot be found in the application itself, as such hindsight is impermissible; the facts must be gleaned from the prior art. (MPEP §2142, last paragraph).

The Examiner has provided only a statement as to the possible benefits of combining the references. The Examiner has not provided any motivation found in the references themselves for the combination. Hence, the combination of references is improper, and thus the rejection should be withdrawn, making claims 5 and 14 patentable over the references for this reason as well.

Claims 6-9, which depend, directly or indirectly, on claim 5, and claims 15-18, which depend, directly or indirectly, on claim 14, are thus patentable over the references for the same reasons as their parent claim (as well as for the limitations contained therein).

Claims 7, 8, 16 & 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kasamatsu (U.S. 5,852,770) in view of Cygan *et al.* (U.S. 5,564,086) and further in view of Gilhousen *et al.* (U.S. 5,056,109). For the following reasons, the rejection is respectfully traversed.

Claim 7 recites an "error selecting unit" which "selects an error occurred in an effective control section from the plurality of errors which are calculated over a plurality of control sections", wherein "both said power amplification control unit and said matching control unit execute the control operations based upon the selected error". Claim 16 recites similar limitations as steps in a method at lines 2-6.

The Examiner admits that neither Kasamatsu nor Cygan teach the suggested claim limitations. Instead, the Examiner cites Gilhousen as teaching the cited limitations.

However, the cited portions of Gilhousen do not teach any "error selecting unit". Instead, Gilhousen merely discusses error detection and correction coding. This does not suggest an "error selecting unit" as recited in the claims.

Further, Gilhousen does not teach any "matching unit". Thus, Gilhousen cannot teach that *both* the power amplification control unit and the matching control unit "execute the control operations based upon the selected error". The prior art reference(s) must teach or suggest *all* of the claim elements and/or claim limitations (MPEP §2143.03), but none of the references suggest that a "matching control unit" executes the control operations based upon the "selected error", as claimed. Hence, the references, even if combined, fail to teach all of the limitations of the claims.

Finally, as discussed above (for claims 5, 6, 9, 14, 15 and 18), the Examiner has failed to provide the proper motivation for combining the references. Merely listing a benefit, as was done in the Office action, is not sufficient to support a prima facie case of obviousness. Accordingly, claims 7 & 16 are patentable over the references for that reason as well.

Claims 8 & 17, which depend on claims 7 & 16, respectively, are thus patentable over the references for the same reasons as their parent claims (as well as for the limitations contained therein).

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33241.

Respectfully submitted,
PEARNE & GORDON, LLP

By: _____
Robert F. Bodi, Reg. No. 48,540

1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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